

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513**

Mail date: April 8, 2004

Cancellation No. 92040459

**Drake Elvgren, John T. Dillard
and Louis K. Meisel**

v.

Vancas, J. Daniel

**Cheryl Butler, Interlocutory Attorney, for David Mermelstein,
Interlocutory Attorney, Trademark Trial and Appeal Board**

Proceedings have been suspended because the respondent is involved in a bankruptcy case.¹ See 11 U.S.C. § 362.

Petitioners, on September 10, 2003, requested resumption. More particularly, petitioners informed the Board that they had moved the Bankruptcy Court for relief from the automatic stay, and that said motion was granted at a hearing held on August 27, 2003. Petitioners further indicated that they would forward a signed order releasing the stay once it has been received by petitioners. Thus far, any such signed order has not been associated with this proceeding file.

On September 24, 2003, respondent filed a copy of its letter to the Bankruptcy Court objecting to petitioners' motion for

¹ *In re: Vancas, James Daniel, aka Dan Vancas, fdba Vanguard Gallery*, Case No. 03-51248 in the United States Bankruptcy Court for the Northern District of California, San Jose Division.

relief from the automatic stay on the basis of deficiency of service and inability of certain creditors to be heard.

It appears, then, that the status of petitioners' request before the Bankruptcy Court for relief from the automatic stay is in doubt. Moreover, a copy of any signed order of the Bankruptcy Court lifting said stay has not been associated with this proceeding file.

Accordingly, petitioners' request for resumption of proceedings is denied, and this cancellation proceeding remains suspended under the automatic stay provisions of the United States Bankruptcy Code, 11 U.S.C. § 362, pending final determination of respondent's bankruptcy case.

It is noted that Mark A. O'Connor previously made an appearance on behalf of respondent that has not yet been recognized. Said appearance is now recognized, and the correspondence address for respondent is updated as follows:

Mark A. O'Connor
Horan, Lloyd, Karachale, Dyer, Schwartz
Law & Cook, Inc.
P.O. Box 3350
Monterey, CA 93942-3350.

The parties are referred to on-line resources at www.uspto.gov, including <http://ttabvue.uspto.gov/ttabvue/>, where they may print any copies they may need of filings in this proceeding from the Office database for their records.
